

Executive Registry

77-10084

9 November 1977

XRef 77-6013
C 38.2

MEMORANDUM FOR: Director of Central Intelligence

VIA: Acting Deputy Director of Central Intelligence

FROM: Anthony A. Lapham
General Counsel

SUBJECT: Reporting Questionable Agency Activities to the SSCI

1. Action Requested: Your consideration and approval of the recommendation set forth in paragraph 5 below.

2. Background: As you know, an issue has existed for some time as to whether, and when, intelligence agencies should report to the SSCI the same matters, having to do with activities of questionable legality or propriety, that they are required to report to the Intelligence Oversight Board pursuant to Section 6 of E. O. 11905. I had thought this issue was settled as long ago as last June, when I sent Bob Lipshutz a letter, copy attached, enclosing a proposed letter from you to Senator Inouye, copy also attached, outlining the procedures to be followed. I also enclosed with that letter copies of the reports that we intended to submit to the SSCI. These reports consisted of summaries of the items previously reported to the IOB by this Office and by the Inspector General.

3. My June letter to Lipshutz did not produce a solution, and the proposed letter to Senator Inouye for your signature was not approved, largely I believe as a result of objections raised by [redacted]. Ultimately, the issue reached the President, who himself sent a letter to Senator Inouye dated 27 July. That letter, copy attached, seems to say that any reporting to the SSCI regarding intelligence agency abuses would be handled personally by the President, and it seems also to imply that matters reported by the agencies to the IOB would not be reported to the SSCI except as the President might himself direct on a case-by-case basis. At least that is the meaning ascribed to the President's letter by [redacted]

25X1

25X1

([redacted])
C-38.2

25X1 4. In subsequent meetings and discussions that you have had with Bill Miller, it apparently was agreed that the "contents" of CIA reports to the IOB, including all prior reports, would be made available to the SSCI. Obviously I will proceed in accordance with that agreement, if you confirm that my understanding of it is correct, but there is a potential awkwardness here because both appear to believe that the President's letter of 27 July dictates a different course of action.

5. Recommendation: If the new Executive order replacing E. O. 11905 takes the expected form, it will contain a provision, Section 5(d)(3), that deals with the obligation of intelligence agencies to report questionable activities both to the SSCI and to the House Select Committee on Intelligence. When the President signs the order, it will then be possible to look to this provision as the source of the reporting requirement. ^①I therefore propose that we hold the reports you have agreed to give the SSCI for a while longer, and that when the new Executive order is signed we then transmit the reports as an attachment to a covering letter that cites both the relevant provision of the new order and your prior discussions. If you approve ^②I would propose to notify Bill Miller that this is the way we mean to handle the submission of the reports.

Anthony A. Lapham

Attachments

APPROVED: 

Director of Central Intelligence

DISAPPROVED:

15 NOV 1977

Date

Director of Central Intelligence

OGC: AAL: sin

Original - DCI

1 - IG

1 - Acting DDCI

1 - ER via Ex Secty

1 - OGC